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Attorneys for the United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
SHERRY GEHRUNG, )  
 )  
Defendant. )

No. CR 08-00114 JW

STIPULATION AND [PROPOSED]  
ORDER RE: EXTENSION OF TIME  
FOR FILING RESPONSE TO  
DEFENDANT'S MOTION PURSUANT  
TO 18 U.S.C. § 2255

On November 19, 2009, this Court issued an Order Requesting Briefing from Government directing the United States to file a Response to Defendant Sherry Gehrung's Section 2255 motion. Defendant Gehrung's Section 2255 motion claims that she received ineffective assistance of counsel in connection with the determination of restitution and that she is entitled to a credit on the amount of restitution she owes. The United States' response to defendant Gehrung's Section 2255 motion was due on August 31, 2010.

The parties now jointly request that the government's due date for a response to defendant Gehrung's Section 2255 motion be extended until September 21, 2010. In an effort to eliminate unnecessary litigation, the parties are currently conferring about

whether the restitution-related issues defendant Gehrung raises in her Section 2255 motion are amendable to resolution. The parties have made progress toward a potential resolution of the issues raised in defendant Gehrung's Section 2255 motion. As part of this process, the government has both conferred with law enforcement regarding the claims Gehrung has made in her Section 2255 motion, as well as also recently conferring with the victim-company in this case to obtain their input regarding a proposed resolution.

In light of the above, the parties agree, and the Court finds and holds, as follows:

1. The government's due date for a response to defendant Gehrung's Section 2255 motion is extended until September 21, 2010.

STIPULATED:

DATED: 9/2/10

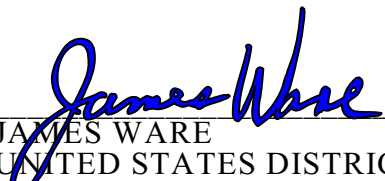
/s/  
JOHN HALLEY  
Counsel for Defendant Gehrung

DATED: 9/1/10

/s/  
JOSEPH A. FAZIOLI  
Assistant United States Attorney

IT IS SO ORDERED.

DATED: September 8, 2010

  
JAMES WARE  
UNITED STATES DISTRICT JUDGE